THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DONALD M. KRUEGER and JOHN A. KOSOSKI

Appeal No. 1997-1331
Application 08/289,679[1]

ON BRIEF

Before FRANKFORT, STAAB and GONZALES, *Administrative Patent Judges*.

STAAB, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on an appeal from the examiner's final rejection of claims 1, 3-6, 9-14 and 16-20. Claims 2, 7, 8 and 15, the only other claims remaining in the application,

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[1] Application for patent filed August 12, 1994.

have been indicated by the examiner as being allowable if rewritten in independent form to include all the limitations of the base claim from which they depend and any intervening claim.

As stated on page 1 of appellants' specification, the present invention "relates to switches of the type which are associated with burner control valves employed on gaseous fuel burners utilized in cooking appliances and particularly range top burners." More particularly, appellants' claims are directed to a switch and wiring assembly for a gas burner manifold (claims 1, 3 and 4), a method of making a switch and wiring assembly (claims 5, 6, and 9-11), and a gas burner manifold assembly including a plurality of switches and wires (claims 12-14 and 16-20). A copy of both the appealed claims and the claims indicated by the examiner as being allowable if rewritten in independent form can be found in an appendix to appellants' brief.

The references of record relied upon by the examiner in support of rejections under 35 U.S.C. § 103 are:

Munroe	4,612,423	Sept. 16, 1986
Demi	4,342,886	Aug. 3, 1982
Ward	3,971,904	Jul. 27, 1976

Claims 1, 4-6, 9, 11-14, 16, 19 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ward in view of Munroe.

Claims 3, 10, 17 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ward in view of Munroe and further in view of Demi.

Considering first the rejection of claims 1, 4-6, 9, 11-14, 16, 19 and 20 as being unpatentable over Ward in view of Munroe, independent claim 1 calls for a *pair* of *continuous uninterrupted* electrical conductors having insulation thereon disposed in a generally spaced parallel arrangement, and a plurality of cam operated switches disposed at different stations along the conductors, each switch having a pair of contact members having insulation piercing portions for establishing contact with a respective conductor. Independent apparatus claim 12 is similar to claim 1 except that it does not require that the contact members of the switches have insulation piercing portions to establish contact with the wires. Method claim 5, the only other independent claim on appeal, is similar to claim 1 except that it does not require

the provision of a plurality of switches. Thus, each of the independent claims on appeal call for a *pair* of *continuous uninterrupted* electrical conductors having insulation thereon.

The examiner considers that Ward discloses a gas burner manifold assembly substantially as claimed except for "conductors or lead[s] passing continuously through the housing with the contacts piercing the insulation of the conductors to make contact [therewith]" (answer, page 4). The examiner further considers that Munroe discloses "line switches in which the leads 66 and 68 are continuous and uninterrupted as they lead up to and away from the switch" (answer, page 7). Based on the above, the examiner concludes that it would have been obvious to one of ordinary skill in the art "to apply the teachings of Munroe to Ward to have the continuous conductors [of Munroe?] pass through the housing [of Ward?] to be pierced by the contacts because both Munroe and Ward set up types of line switches in which plural switches are placed in parallel using parallel leads " (answer, page 5).

In the "response to argument" section of the answer, the

following quote gives further insights into the examiner's rationale in rejecting the independent claims:

> The combination of the references provides an alternative means of connecting the leads to the terminals. By forming the terminals of Ward like those of Munroe, the terminals can engage directly into the sides of the leads rather than providing separate connectors [such as Ward's push-on connectors 17a, 17b]. Passing the leads through a portion [of] the housing as also taught by Munroe aids in holding the leads in place such that they can not be disconnected from the switch by pulling on the leads [as with Wards connectors 17a, 17b]. Figure 6 of Ward shows that the switches are connected in parallel across parallel leads in which the connectors 17a and 17b would lead off those leads. The teachings of Munroe provide an alternative method of connection of the terminals and the leads. [Answer, page 7.]

We will not sustain this rejection.

As noted above, each of the independent claims on appeal requires a *pair* of *continuous uninterrupted* electrical conductors having insulation thereon. The examiner concedes (answer, page 4) that Ward does not disclose this limitation. Concerning Munroe, the line switch thereof is designed for use with a twin-wire cable 58 having a continuous wire 62 and a so-called "open" wire 60. The wire 60 is "open" in the sense that it "is interrupted, as at zone 64, typically by cutting away a short segment of the wire 60 and leaving behind two

conductors 66, 68 which are not in electrical communication and which are longitudinally spaced apart from each other" (column 5, lines 3-8). Munroe explains that "[i]n accordance with this invention, the line switch 10 will electrically connect and bridge the two conductors 66, 68, or will electrically disconnect and unbridge these two conductors" (column 5, lines 8-11). This is accomplished by means of a pair of electrically-conductive insulation piercing switch terminals 90, 92 that make contact with the conductors 66, 68, and an electrically conductive leaf spring 102 that may be moved between a closed position wherein the leaf spring electrically connects and bridges the terminals 90, 92 and an open position wherein the leaf spring is disengaged from the terminals 90, 92.

In that Munroe expressly calls for the wire to be *interrupted,* as at zone 64, typically by cutting away a short segment of the wire, the examiner's view that Munroe may be regarded as teaching continuous and uninterrupted conductors because the wires thereof are continuous at locations leading up to and away from the line switch is not well taken. Accordingly, neither of the applied references disclose a *pair*

of *continuous uninterrupted* electrical conductors as called for in each of the independent claims on appeal. Under these circumstances, it is not apparent to us, and the examiner has not convincingly explained, how the combined teachings of the applied references would have suggested the subject matter of the independent claims on appeal. For this reason alone, the standing § 103 rejection of claims 1, 4-6, 9, 11-14, 16, 19 and 20 as being unpatentable over Ward in view of Munroe is not sustainable.

As to the rejection of claims 3, 10, 17 and 18 as being unpatentable over Ward in view of Munroe and further in view of Demi, the Demi reference additionally applied in this rejection does not render obvious what we have found to be lacking in Ward and Munroe. Accordingly, this rejection also will not be sustained.

The decision of the examiner is reversed.

REVERSED

CHARLES E. FRANKFORT Administrative Patent Judge	)	
LAWRENCE J. STAAB Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JOHN F. GONZALES Administrative Patent Judge	)	

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